

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

TOMMY HOLLINGSWORTH,

Plaintiff,

v.

HENRY COUNTY, et al.,

Defendants.

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Case No. 1:20-cv-01041-STA-cgc

ORDER DENYING MOTION TO DISMISS ORIGINAL COMPLAINT AS MOOT

Before the Court is Defendants Henry County, Tennessee; the Henry County Sheriff's Department, Henry County Mayor Brent Greer, the Henry County Corrections Facility, Henry County Sheriff Monte Belew, Steve Dean, Stephen Page, Daniel Powell, Wayne Fuqua, Brent Coffman, Kyle Cronkright, Gary Carroll, Hunter Wade, Rob Camper, and William B. Smith's Motion for Partial Dismissal (ECF No. 12) filed April 21, 2020. After the parties had briefed the Motion, Plaintiff Tommy Hollingsworth filed an Amended Complaint (ECF No. 28). Defendants have since filed another Rule 12(b)(6) motion addressed to the Amended Complaint and presenting some of the same arguments found in their Motion for the Partial Dismissal of the original Complaint.

It is well-settled that an amended complaint supersedes the original complaint and renders the initial pleading a nullity. *Heyward v. Cleveland Clinic Found.*, 759 F.3d 601, 617 (6th Cir. 2014) (citation omitted). Courts in this Circuit routinely deny motions to dismiss a complaint as moot after a plaintiff subsequently files an amended complaint. *E.g., Pinks v. Lowe's Home Centers, Inc.*, 83 F. App'x 90 (6th Cir. 2003); *Am. Nat'l Prop. & Cas. Co. v. Stutte*, 298 F.R.D. 376, 380 (E.D. Tenn. 2014); *Okolo v. Metro. Gov't of Nashville*, 892 F. Supp. 2d 931, 948 (M.D.

Tenn. 2012); *Ellis v. Kaye-Kibbey*, 581 F. Supp. 2d 861 (W.D. Mich. 2008). In light of the fact that Plaintiff has now filed an Amended Complaint and Defendants have filed a new motion to dismiss the amended pleading, the original Complaint is, strictly speaking, a nullity. Therefore, Defendants' Motion to Dismiss the initial Complaint is **DENIED** as moot and without prejudice to Defendants' right to seek the dismissal of the Amended Complaint.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: July 2, 2020